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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 20, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.
OSVALDO FIGUEROA (01),
CESAR GARCIA-SANCHEZ (02),
MIGUEL VILLA (03),
JOSE JUAN VALENCIA-BRAVO
(04),
JOSE CERVANTES-VARGAS (05),
JOSHUA ALLEN BASHAW (07),
CHARLES ALAN ROGERS (08),
DANIEL MARTINEZ-IZAZAGA (10),
AURORA GALVAN (11),
JUAN ALBERTO MARTINEZ (12),
DANIEL REYES-MORFIN (13),
SAUL CAMACHO-REYES (14),
MARIA RODRIGUEZ (15), and
SERGIO ACEVEDO-CANDIDO (16),
Defendants.

No. 1:17-CR-02038-SMJ-01
1:17-CR-02038-SMJ-02
1:17-CR-02038-SMJ-03
1:17-CR-02038-SMJ-04
1:17-CR-02038-SMJ-05
1:17-CR-02038-SMJ-07
1:17-CR-02038-SMJ-08
1:17-CR-02038-SMJ-10
1:17-CR-02038-SMJ-11
1:17-CR-02038-SMJ-12
1:17-CR-02038-SMJ-13
1:17-CR-02038-SMJ-14
1:17-CR-02038-SMJ-15
1:17-CR-02038-SMJ-16

**ORDER DENYING MOTION TO
DECLARE CASE COMPLEX**

At a hearing on September 13, 2017, Counsel for Defendant Garcia-Sanchez (02), Nicholas Marchi, made an oral motion to declare this case complex. Mr. Marchi subsequently filed briefing on the issue. He argues that the case should be declared complex because it involves 14 defendants, at least 8526 pages of

1 discovery documents, and over 2,000 phone calls, many of which will require
2 translation. ECF No. 341.

3 The Guidelines for the Administration of the Criminal Justice Act and
4 Related Statutes, Volume 7, Guide to Judiciary Policies and Procedures (“CJA
5 Guidelines”), limit a CJA appointed attorney’s compensation to \$10,300 when
6 defending a person charged with one or more felonies at the trial court level.¹ CJA
7 Guideline § 230.23.20 (explaining that under 18 U.S.C. § 3006A(d)(2)
8 compensation maximums increase along with maximum attorney hourly
9 compensation). The presiding judge in a case may, however, designate a case
10 “complex” or “extended” and therefore waive the maximum amounts. 18 U.S.C.
11 § 3006A(d)(3). This District’s CJA Plan encourages judges to designate cases
12 “complex” or “extended” where the judge has determined budgeting is appropriate
13 because there is reason to believe that representation will exceed 300 hours of
14 attorney time or \$30,000 in fees and costs. E.D. Wash. Criminal Justice Act Plan,
15 Appendix III, CJA Case Management and Budgeting Policy for Non-Capital
16 Representations 19, 24 (approved 2013).² Designating a case “complex” or

17
1 Guidelines for the Administration of the Criminal Justice Act and Related Statutes,
18 7 Guide to Judiciary Policies and Procedures § 230.23.20, *available at*
19 http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_23_20 (last visited November 17, 2017).

20 2 U.S. Dist. Court E. Dist. of Wash., *Criminal Justice Act Plan* app. III at 24 (2013)
21 *available at* <http://www.waed.uscourts.gov/sites/default/files/general-orders/13-11.pdf>.

1 “extended,” however, is not a pro forma exercise. “It is a meaningful
2 congressionally mandated step that requires detailed justification not only by the
3 lawyer, but also by the approving judge. [The CJA] requires counsel seeking excess
4 compensation to justify the request with a supporting memorandum.” *United States*
5 *v. Sepulveda*, 502 F. Supp. 2d 1104, 1106 (D. Mont. July 31, 2007).

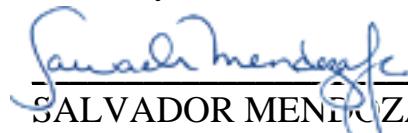
6 Although it is likely that 300 attorney hours or \$30,000 in fees and costs will
7 be exceeded by all of the CJA attorneys involved with this case, the Court has not
8 been presented with any information to suggest that any individual CJA attorney is
9 likely to exceed the compensation limits for representation in this case.
10 Additionally, aside from the number of defendants charged, it is not clear to the
11 Court that this case is likely to be unusually complex or that it will continue for an
12 extended time.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. Defendant Garcia-Sanchez’s (02) motion to declare this case complex
15 is **DENIED without prejudice to renewal.**

16 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
17 provide copies to all counsel.

18 **DATED** this 20th day of November 2017.

19 

20 SALVADOR MENDEZA, JR.
United States District Judge

ORDER DENYING MOTION
TO DECLARE CASE COMPLEX - 3